

Mr. KENNEDY. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I have the floor. We will speak very shortly so the Senator from Illinois can be recognized.

Mr. DORGAN. The Senator from Illinois should be recognized. If I could ask forbearance, I wanted to ask the Senator from Massachusetts a question. Since he doesn't have the floor, let me at least propound the question.

Mr. FITZGERALD. Mr. President, I would like to have unanimous consent to speak for a couple of minutes on our departed colleague, John Chafee, after which I have to preside. I will just take a couple minutes.

Mr. REID. I say to the Chair, I am happy to yield my time for 2 minutes to the Senator from Illinois. I will reclaim the floor.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized.

IN HONOR OF SENATOR JOHN CHAFEE

Mr. FITZGERALD. I take this opportunity to express my great sense of personal loss on the passing of our colleague from the great State of Rhode Island, John Chafee.

I have only been in the Senate for under a year now. I got to know Senator Chafee while I was running for the Senate about a year ago. Even in that short period of time, I came to have great admiration and respect for Senator Chafee. I can only imagine the great sense of grief my colleagues and others who have known him several decades feel at his passing.

Of all the people I have known in my lifetime, I have to say that Senator Chafee had more of an aura of goodness, kindness, gentleness, and of fineness than just about anybody I had ever encountered in my life.

In many ways, he was a quintessential New Englander. He was modest; he was often taciturn. He did not complain about the health problems he had in the last few months. In fact, he didn't wish to talk about that. He was very hard-working. Others have spoken about his distinguished career in the Senate, as Governor of Rhode Island, and as our Secretary of the Navy. But for all of us who knew him personally, he was a great and fine gentleman. He embodied the best of his State, of his region, of our country, and certainly of this institution.

I just wanted to say now how much I appreciated John Chafee for the warm welcome he gave me as a freshman Senator. I regret that I did not have the chance to thank him while he was still with us. We used to share the elevator rides after we voted. We were on the fifth floor of the Dirksen Building, and we would be riding up to that top floor together after practically every rollcall vote in the Senate. I got to know Senator Chafee quite well in the last few months. He was always very

kind and interested in me as a freshman. He was always offering to help. When I took a trip earlier this year to give a speech in Rhode Island, he wanted to know beforehand exactly where I was going and my itinerary in his State, and he quizzed me about it afterward.

He was a Theodore Roosevelt Republican who was concerned about the preservation of our environment, enhancing it for future generations, and he did a marvelous job as chairman of the Environment Committee.

I express my condolences to his wife Virginia, his five children, and most especially to his staff. Senator Chafee's office is right next door to my office in the Dirksen Building. I know that he had a very loyal staff who loved him dearly. Many of his legislative assistants had been with him for 10 years or more, which bespeaks the sense of loyalty and affection they had for him. I know they have suffered a great loss, and we extend our condolences to them. John Chafee will be missed by me and by all of us in the Senate and by the great State of Rhode Island and by our country.

I yield the floor.

SENATE AGENDA

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senator from Nevada is recognized.

Mr. REID. Mr. President, I extend my appreciation to the Chair. I yield now to the minority leader, with the agreement that I will have the floor when he completes.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank my colleague, the assistant Democratic leader, for his willingness to allow me the opportunity to talk a little bit more about why we are here.

We are stalled for one reason: The majority leader has again, for the seventh time now, filled the tree, precluding 45 Democrats from offering amendments. That is why we are here. And on two other occasions this year, the majority leader preemptively filed cloture on measures immediately after calling them up—and then proceeded to other business in order to prevent amendments or debate. So nine times so far this year, the majority leader has said, well, we are going to decide which amendments are offered, we are going to decide which amendments are passed, we are going to decide what kind of role you as Senators ought to have, and we will tell you that you are not going to be able to offer amendments. We are going to decide, in other words, whether to gag you and to lock you out of the legislative process to which you were elected as a representative of the people.

It began on March 8, 1999, on the so-called Education Flexibility Act. The bill was offered, the majority leader was recognized, and the tree was filled, locking out every single Democrat

from their right to offer amendments to the Education Flexibility Act.

He chose to do it again on April 22 on the Social Security lockbox. He said: We are going to have an up-or-down vote, and it is going to be our lockbox or none at all. We said: What about Medicare? What about locking up the Medicare trust fund? They said: No, you can't offer that amendment; we are going to fill the tree and preclude you from offering amendments on the Social Security lockbox. And, again, the issue was shelved.

On April 27, 1999, the Y2K Act, an extremely complex and very difficult issue, the majority leader came to the floor and filled the tree, precluded Democratic amendments, and said it is take it or leave it.

April 30, again he apparently tries to make the point that Social Security lockbox is important to Republicans—as long as Democrats don't have the opportunity to offer an amendment. Again, we said: We would like to offer an amendment on Medicare. Again, our Republican colleagues said: It is our bill or no bill. At that point, it went from becoming the Republican lockbox to, as our colleague from Maryland, Senator MIKULSKI, said this morning, the Republican "squawk box."

On June 15, 1999, the "squawk box" was debated again. Again, the majority leader offered the bill, filled the tree, precluded Democratic amendments, and the lockbox was shelved.

On July 16, Republicans used the "squawk box" approach again, claiming to be interested in getting the bill passed, precluding Democratic amendments on Medicare.

On June 16, in a similar situation, they did it again. They called up a House bill, the Social Security and Medicare Safe Deposit Act, filed cloture, and went off the bill to other business. And then, on September 21, the most recent effort by the majority leader and the majority to lock out Democratic amendments, they brought up the bankruptcy reform bill, filed cloture, and moved on to another bill, precluding Democratic amendments.

I only recite the litany of occasions when the majority leader filled the tree in order to make clear how objectionable this coercive tactic really is. For those who are not familiar with parliamentary jargon, "filling the tree" is a procedure that the leader can use to offer multiple amendments and thereby fill all of the available amendment slots that a bill has under the Senate rules, precluding any Senator from offering an amendment. That is what filling the tree is all about. Together with the practice of preemptively filing cloture, which has the same effect, it has been done now on nine separate occasions. The sad thing about it being done on this bill is that it plays right into the hands of the opponents of the legislation.

The opponents are very grateful to Senator LOTT and the majority for filling the tree because it certainly makes